

PATENT COOPERATION TREATY

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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference P04467500	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/JP 03/10224	International filing date (day/month/year) 11.08.2003	Priority date (day/month/year) 12.08.2002
International Patent Classification (IPC) or both national classification and IPC C09D11/00		
Applicant FUJI PHOTO FILM CO., LTD. et al.		



- This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
- This REPORT consists of a total of 7 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

 These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the opinion
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☒ Lack of unity of invention
- V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☒ Certain documents cited
- VII ☒ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 27.02.2004	Date of completion of this report 27.07.2004
Name and mailing address of the International preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer Glomm, B Telephone No. +49 89 2399-7158 

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I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-101 as originally filed

Claims, Numbers

1-18 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
 - ☐ the language of publication of the international application (under Rule 48.3(b)).
 - ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).
3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:
- ☐ contained in the international application in written form.
 - ☐ filed together with the international application in computer readable form.
 - ☐ furnished subsequently to this Authority in written form.
 - ☐ furnished subsequently to this Authority in computer readable form.
 - ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
 - ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.
4. The amendments have resulted in the cancellation of:
- ☐ the description, pages:
 - ☐ the claims, Nos.:
 - ☐ the drawings, sheets:
5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

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IV. Lack of unity of invention

1. In response to the invitation to restrict or pay additional fees, the applicant has:

- ☐ restricted the claims.
- ☒ paid additional fees.
- ☐ paid additional fees under protest.
- ☐ neither restricted nor paid additional fees.

2. ☐ This Authority found that the requirement of unity of invention is not complied with and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.

3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is

- ☐ complied with.
- ☐ not complied with for the following reasons:

4. Consequently, the following parts of the international application were the subject of international preliminary examination in establishing this report:

- ☒ all parts.
- ☐ the parts relating to claims Nos. .

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	
	No: Claims	1-18
Inventive step (IS)	Yes: Claims	
	No: Claims	1-18
Industrial applicability (IA)	Yes: Claims	1-18
	No: Claims	

2. Citations and explanations

see separate sheet

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VI. Certain documents cited

1. Certain published documents (Rule 70.10)

and /or

2. Non-written disclosures (Rule 70.9)

see separate sheet

VII. Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

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Cited documents:

- D1: US 2002/096086 A1 (CHISHOLM GREIG ET AL) 25 July 2002 (2002-07-25)
- D2: EP-A-1 209 208 (EASTMAN KODAK CO) 29 May 2002 (2002-05-29)
- D3: WO 02/38549 A (CLARIANT INT LTD ;PLUEG CARSTEN (DE)) 16 May 2002 (2002-05-16)
- D4: US 2002/049310 A1 (AZUMA YASUSHI ET AL) 25 April 2002 (2002-04-25)
- D5: EP-A-1 182 050 (EASTMAN KODAK CO) 27 February 2002 (2002-02-27)
- D6: PATENT ABSTRACTS OF JAPAN vol. 2000, no. 21, 3 August 2001 (2001-08-03) & JP 2001 098179 A (FUJI PHOTO FILM CO LTD), 10 April 2001 (2001-04-10)
- D7: US-B-6 187 0841 (HOLBROOK MARK ET AL) 13 February 2001 (2001-02-13)
- D8: EP-A-1 048 701 (EASTMAN KODAK CO) 2 November 2000 (2000-11-02)

1. Unity (Art. 3, section 4, item (iii) PCT)

The International Preliminary Examination Authority agrees with the objection put forward by the International Search Authority as to lack of unity (Article 3, section 4, item (iii) PCT), the reasons for the objection being as follows: The common concept linking together the independent claims is the presence of at least one azo dye according to general formula (1).

This common concept is, however, not novel (see considerations in this letter as pointed out below under section 2 in regard to documents D1 to D8, respectively).

In the subsequent European regional stage, if any, the applicant is invited to

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state upon which invention further prosecution of this application should be based and to limit the application accordingly.

2. Novelty (Art. 33 (2) PCT)

Each of documents D1 to D8 discloses an ink for inkjet recording, comprising at least one compound selected from azo dyes represented by the general formula (1) as specified in detail in present main claim 1 (see D1, p. 1, paragraph 1 to p. 3, paragraph 35; working examples 1 to 7; claims 1 to 5 and abstract; see D2, p. 2, l. 37 to p. 4, l. 50; working examples 1 to 5; claims 1 to 10 and abstract; see D3, p. 1, l. 3 to p. 7, l. 7; working examples 1 to 10; claims 1 to 16 and abstract; see D4, p. 1, paragraph 2 to p. 4, paragraph 35; working examples 1 to 3; claims 1 to 19 and abstract; see D5, p. 1, l. 27 to p. 4, l. 15; working examples 1 + 2; claims 1 to 10 and abstract, see D6 in view of a corresponding fulltext translation of the original Japanese document into the English language; see D7, col. 1, l. 26 to col. 5, l. 56; working examples 1 to 12; claims 1 to 9 and abstract; see furthermore D8, p. 1, l. 45 to p. 4, l. 40; working examples 1 to 10; claims 1 to 10 and abstract, respectively).

Consequently, each of documents D1 to D8 anticipates the subject matter of present independent main claim 1.

The same considerations also relate to the additional features of the following claims 2 to 18 when taking into account the full disclosure of each of documents D1 to D8.

Therefore the subject matter of present application is not new in view of the disclosure of each of documents D1 to D8.

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3. Inventive Step (Art. 33 (3) PCT)

Providing an amended main claim which meets the requirements of Art. 33 (2) PCT, the applicant should relate the distinguishing feature to a surprising (unexpected) technical effect or make credible or plausible that the distinguishing feature is not derivable from the prior art teaching (Art. 33 (3) PCT).